

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Preston Cole HARTIS

Joseph Leon LURRY

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 09, 2021 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet.

/S/Brandy M. Ochoa-Hauser

Complainant's signature

Brandy M. Ochoa-Hauser, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence,

Date: December 13, 2021*Judge's signature*City and state: Laredo, Texas

Diana Song Quiroga, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA**CRIMINAL COMPLAINT****V.**

Preston Cole HARTIS, Joseph Leon LURRY

Case Number:

On December 9, 2021, Border Patrol Agents (BPAs) were working at the Laredo North Border Patrol checkpoint, located on Interstate Highway 35 north of Laredo, Texas in Webb County. At approximately 9:25 a.m., a black Peterbilt tractor pulling a white trailer, approached the primary truck lane for inspection. The BPA at the primary inspection lane noticed both the driver, Preston Cole Hartis, and the passenger, Joseph Leon Lurry, were nervous and avoided eye contact. The BPA also noticed the curtains for the sleeper area were closed. The BPA asked Hartis if they were the only passengers, Hartis responded "Yes". A BPA canine handler was conducting a non-intrusive free air sniff with his service canine near the tractor. The BPA canine handler notified the primary BPA that the service canine alerted to the sleeper area of the tractor for the possible presence of concealed humans and/or contraband. The BPA asked Hartis if he would open the curtains to the sleeper area, Hartis reached back and slightly opened the curtains. The BPA noticed what appeared to be a human silhouette sitting on the sleeper. The BPA then asked Hartis if he could open the curtains himself, Hartis nodded indicating consent. The BPA reached into the cabin, opened the curtains, and discovered ten subjects in the sleeper area of the tractor. The BPA instructed Hartis to turn off the tractor and hand him the keys. The BPA asked Hartis and Lurry if they were United States (US) citizens, they both answered "Yes". The BPA told Hartis and Lurry to step out of the tractor in order to conducted an immigration on the ten subjects. While Lurry exit the tractor, in an excited utterance he said "Shit, I fucked up" as he shook his head and looked down. An immigration inspection was performed on the ten subjects, and it was determined all the subjects were illegally present in the US with no legal documentation to enter or remain in the US legally. All subjects were placed under arrest and escorted inside the checkpoint for further investigation.

Preston Cole Hartis was read his Miranda Rights and acknowledged he understood them by signing service form I-214. Hartis chose to invoke his right to remain silent and requested an attorney to be present during questioning.

Joseph Leon Lurry was read his Miranda Rights and acknowledged he understood them by signing service form I-214. Lurry stated early in the morning today (December 9, 2021), they were parked at a Pilot gas station when Hartis received a phone call. Lurry stated after the phone call Hartis complexion changed. Lurry stated Hartis told him to get in the sleeper area and to close the curtains. Lurry stated Hartis drove for approximately 15 minutes until the truck came to a complete stop. Lurry stated the tractor's passenger door opened, and some Hispanic looking people entered the tractor. Lurry stated Hartis told him to close the curtain, sit down, and to shut up. Lurry stated as they approached the checkpoint, Hartis told him to act normal.

Jucelia Maria Dos Passos-Camelo, a citizen of Brazil, admitted she illegally entered the US on Tuesday (December 4, 2021) by crossing the Rio Grande River. Dos Passos-Camelo stated she paid \$28,000 United States Dollars (USD) to be smuggled into the United States. Dos Passos-Camelo stated once she crossed the river, she walked until she arrived at a road where a vehicle was waiting. Dos Passos-Camelo stated she got inside the vehicle and was taken to a safe house, where she stayed until today (December 9, 2021). She stated a truck picked her up and took her to an unknown place where the tractor was located. Dos Passos-Camelo stated the driver of the truck told her to get inside the tractor. She stated when they opened the door, she saw two subjects inside. Dos Passos-Camelo stated the driver was a fat, tall, white complexion male with tattoos, and had a beard. Dos Passos-Camelo stated the passenger was a black complexion male, describing Lurry. Dos Passos-Camelo stated Lurry moved aside and told her to get in. She stated Lurry told them to sit on the cabin and to be quiet. Dos Passos-Camelo stated Lurry closed the curtain of the cabin. Dos Passos-Camelo was able to positively identify Hartis as the driver but was not able to identify Lurry in a six-person photo lineup.

SUBSCRIBED and SWORN to before me on

13th

day of

December, 2021

Signature of Judicial Officer

/S/ Ochoa-Hauser, Brandy M. Border Patrol Agent

Signature of Complainant